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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09769923

Filing Date: June 15th, 2006

Appellant(s): Jodi F. Aboujaoude et al.

James A. Oliff
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/15/2006.

(1) Real Party of Interest

Party of interest contained in the brief is correct.

(2) Related Appeals and Interferences

The statement of Related Appeals and Interferences contained in the brief is correct.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The statement of status of amendments in the brief is correct.

(5) Summary of the Claimed Subject Matter

The summary of the claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection To Be Reviewed on Appeal

Claims 1-2, 4-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abuyama (US 5144452), and in view of Dawe et al (EP 996080).

Regarding claim 1, Abuyama discloses a method of forming an output image in an image forming system (image forming system, fig. 2), comprising:

- instructing (instructing via a control panel 80, fig. 2) the system to duplicate the original portion (portion of original image to be duplicate, i.e., character A as shown in fig. 4, col. 7, lines 15-28, fig. 4) of the input document;
- producing (CCD, col. 4, lines 6-20) image data corresponding to only the original portion (only selected portion "letter A" is reproduced as shown in fig. 5) of the input document;
- forming (thermal print head 24a, fig. 2) a duplicate image (duplicating an original image on a single print media, figs. 4-7) of the original portion of the input document; and

- reproducing the duplicate image data a selected number of times (predetermined of times to be duplicated on a single print medium, i.e. character A to be duplicated multiple times as shown in fig. 5 and fig. 7b) on a printing medium.

Abuyama fails to teach and/or suggest a method for automatically determining a location of an original portion of an input document containing image data for scanning and printing.

Dawe, in the same field of endeavor for image forming system (fig. 1), teaches a method of automatically (automatic region selection logic 110, fig. 1, par. 19) determining a location of an original portion (automatically locating portion of the document for scanning, see paragraphs 5, 21, and 31) of an input document containing image data for scanning and printing.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify invention of Abuyama to include a method for automatically determining a location of an original portion of an input document containing image data for scanning and printing as taught by Dawe because of a following reason: (1) the ability to automatically distinguish a region of interest for scanning and duplicating from an undesired region of an image, i.e. white spaces (par. 10 of Dawe), thereby, reducing operating costs (i.e. inks and print media) associated with unwanted/undesired region from reproducing; (2) other advantages of using automatic region selection logic 110 as taught by Dawe are clearly cited in page 3, paragraphs 10-17.

Therefore, it would have been obvious to combine Abuyama with Dawe to obtain the invention as specified in claim 1.

Regarding claim 2, Abuyama further discloses the method of claim 1, further comprising selecting the number of times (duplication number designator 86, fig. 2) said input image is replicated to form said output image on said printing medium.

Regarding claim 4, Abuyama further discloses the method of claim 1, further comprising receiving user instructions (instruction via control panel, fig. 2) to duplicate only a specific portion of an original document.

Regarding claim 5, Abuyama further discloses a method of forming an output image in

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an image forming system, comprising:

- obtaining instructions (fig. 7) relating to image formation;
- obtaining input data relating to an original portion (input coordinates, fig. 7a) of an input image and based at least partially on said instructions; and
- forming (thermal head engine 24a, fig. 2) said output image comprising only (only selected portion "letter A" is reproduced as shown in fig. 5) said original portion of the input image replicated one or more times (fig. 7b) on a single printing medium as directed by said instructions.

Abuyama fails to teach and/or suggest a method for automatically determining a location of an original portion of an input document containing image data for scanning and printing.

Dawe, in the same field of endeavor for image forming system (fig. 1), teaches a method of automatically (automatic region selection logic 110, fig. 1, par. 19) determining a location of an original portion (automatically locating portion (i.e. image, photograph, equations, graphics, and etc) of the document for scanning, par. 5, 21, and 31) of an input document containing image data for scanning and printing.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify invention of Abuyama to include a method for automatically determining a location of an original portion of an input document containing image data for scanning and printing as taught by Dawe because of a following reason: (1) the ability to automatically distinguish a region of interest for scanning and duplicating from an undesired region of an image, i.e. white spaces (par. 10 of Dawe), thereby, reducing operating costs (i.e. inks and print media) associated with unwanted/undesired region from reproducing; (2) other advantages of using automatic region selection logic 110 as taught by Dawe are clearly cited in page 3, paragraphs 10-17.

Therefore, it would have been obvious to combine Abuyama with Dawe to obtain the invention as specified in claim 5.

Regarding claim 6, Abuyama further discloses a method according to claim 5, wherein said obtaining instructions including communicating with a user through a user interface (display 100, fig. 2) and receiving instructions to duplicate only a specific portion of an original

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document form output image.

Regarding claim 7, Abuyama further discloses the method according to claim 5, wherein said obtaining instructions include receiving of instructions as to which specific original portion (instruction to duplicate portion of original image, fig. 7a-7b) of said input image is to be replicated.

Regarding claim 8, Abuyama further discloses the method according to claim 5, wherein said obtaining instructions include receiving instructions as to a number of replications (figs. 4-5) of said original portion of said input image to be replicated.

Regarding claim 9, Abuyama further discloses the method according to claim 5, wherein obtaining input image data include scanning (read image ST13, fig. 7b) a specific portion of an image to be printed.

Regarding claim 10, Abuyama further discloses the method of claim 5, wherein obtaining input data include receiving a signal from a remote device containing said input image data (inherently, the image forming system as shown in fig. 1 also can be connected to plurality of external devices, i.e. host computer, scanner, and etc, and such system are widely available in the art).

Regarding claim 11, Abuyama further discloses the method according to claim 5, wherein forming the output image include printing said original portion of said input image in a repeated fashion up to a predetermined number (predetermined number of times to be duplicated on a single print media, fig. 7a-7b) in occurrence with said instructions.

Regarding claim 12, Abuyama further discloses the method according claim 5, further comprising automatically detecting dimensions (dimension as shown in fig. 4-5, col. 7, lines 5-67) of said original portion of said input image and automatically determining a predetermined number of repeated original portions (main controller 81 for calculating and determining number

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of duplicates to be printed on a single sheet of print media, cols. 7-8) of said input images able to be printed on a single printing medium.

Regarding claim 13, Abuyama further discloses the method of claim 5, further comprising allowing a user to specify an offset (left margin, fig. 7b) for said input image on said printing medium.

Regarding claim 14, Abuyama further discloses an image forming system (fig. 2), comprising:

- an image input stage (ST1, fig. 7A) for receiving image data corresponding to an input image;
- a control stage (control panel 80, fig. 2) for selecting at least an original portion of said input image and replicating only (only selected portion “letter A” is reproduced as shown in fig. 5) said original portion a predetermined number of times (predetermined of times to be duplicated, fig. 7a-7b) to form an output image; and
- an image output stage (print engine, fig. 2) for producing said output image on a printing medium and automatically determining number of times the image portion may be formed on a substrate (automatically calculates number of times the selected image portion to be formed on a single print medium, fig. 5, figs. 7a-7b, col. 8, lines 5-13).

Abuyama fails to teach and/or suggest a device for automatically determining a location of an original portion of an input document containing image data for scanning and printing.

Dawe, in the same field of endeavor for image forming system (fig. 1), teaches a method of automatically (automatic region selection logic 110, fig. 1, par. 19) determining a location of an original portion (automatically locating portion (i.e. image, photograph, equations, graphics, and etc) of the document for scanning, par. 5, 21, and 31) of an input document containing image data for scanning and printing.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify invention of Abuyama to include an automatic region selection logic 110 for automatically determining a location of an original portion of an input document containing image data for scanning and printing as taught by Dawe because of a following reason: (1) the ability to automatically distinguish a region of interest for scanning and duplicating from an

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undesired region of an image, i.e. white spaces (par. 10 of Dawe), thereby, reducing operating costs (i.e. inks and print media) associated with unwanted/undesired region from reproducing; (2) other advantages of using automatic region selection logic 110 as taught by Dawe are clearly cited in page 3, paragraphs 10-17.

Therefore, it would have been obvious to combine Abuyama with Dawe to obtain the invention as specified in claim 14.

Regarding claim 15, Abuyama further discloses the system of claim 14, wherein said control stage comprises a user interface (display 100, fig. 2) for selecting the number of times said original portion of said input image replicated in said output image on said printing medium.

Regarding claim 16, Abuyama further discloses the system of claim 14, wherein said control stage comprises a user interface (display 100, fig. 2) for providing printing instructions.

Regarding claim 17, Abuyama further discloses the system of claim 14, wherein said control stage determines the number of print image replications that can be reproduced (abstract and col. 1, lines 33-36) in said output image on said printin medium.

Regarding claim 18, Abuyama further dicloses the system of claim 14, wherein said control stage can automatically calculate maximum number of reproductions (abstract and col. 1, lines 33-65) of said original portion of said input image possible for said single printing medium.

(7) Response to Argument

Applicant's arguments with respect to claims 1, 5, and 14 have been considered but are moot in view of the new ground(s) of rejection.

- Regarding claims 1 & 5, the applicants repeatedly argued the cited prior arts of record fail to teach and/or suggest “an image multiplier” as cited in claims 1 & 5.

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- In response, the examiner would like to remind to the applicants that neither claim 1 or 5 contains the claim language to include “an image multiplier” for automatically determining a number of times the image portion may be formed on a substrate. Rather, claims 1 and 5 only cited “automatically determining a location of a original portion of an input document containing image data”. An image multiplier for automatically determining a number of times the image portion may be formed on a substrate is nowhere to be found within in claims 1 & 5. In other words, the applicants repeatedly argued subject matters that were not cited in rejected claims.
- Regarding claim 14, the applicants argued the cited prior arts of record fail to teach and/or suggest “an image multiplier” for automatically determining a number of times the image portion may be formed on a substrate.

In response, the examiner fully disagrees with applicants’ assertions/arguments. Primary reference (Suzuki) explicitly teaches an image multiplier for automatically determining a number of times the image portion may be formed on a substrate (main controller 81 as taught by Suzuki automatically determines a number of times a selected/detected original portion to be duplicated on a single print medium, for example, character “A” as shown in fig. 5 and fig. 7b, col. 7, lines 60 to col. 8, lines 12).

- Regarding claims 1, 5, and 14, the applicants state the detection of such a stamp on the Japanese Yen (as taught by Suzuki) is used to indicate the possibility of forgery and executed a step for preventing such forgery using the image reading and processing apparauts of Suzuki. The applicants argued Suzuki's reference is entirely taught away from the applicants' invention by disabling/preventing image from copying.

In response, the examiner relies upon Suzuki solely for the purpose of automatically determining a location of an original portion of an input document containing image data and not for the purpose of duplicating such portion. However, upon further consideration and search, the examiner has found a new prior art reference (EP 996080 to Dawe et al) and herein being relied upon for the new ground of rejection, please see “Ground of Rejection” section above for details.

(8) Evidence Appendix

The statement of evidence appendix contained in the brief is correct.

(9) Related Proceedings Appendix

The statement of related proceedings appendix contained in the brief is correct.

(10) Prior Arts of Record

- US 5144452 to Abuyama et al
- US 5621810 to Suzuki et al
- EP 996080 to Dawe et al

(11) Examiner's Answer, Conclusion

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* dismissal of the appeal as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

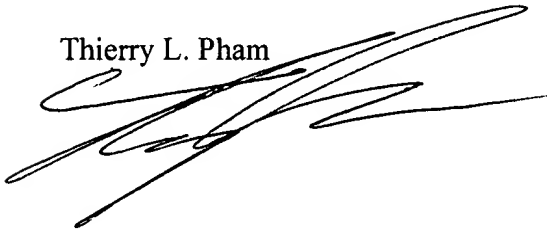
(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

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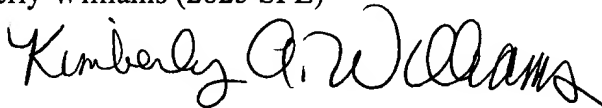
Thierry L. Pham



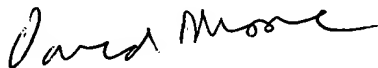
A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

Conferees:

Kimberly Williams (2625 SPE)



David Moore (2625 SPE)



DAVID MOORE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600